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JUL 0 2 2004

Technology Center 2600

Judy L. Steinkraus

Judy L. Steinkraus 06/22/2004

Application No.: 09/764,021

Filing Date: 01/16/2001

Docket No.: 4704.P012

Date Mailed: 06/22/2004

Due Date: 7/4/2004

Client: Ingenio, Inc.

Atty/Sec: JPW/jxs

Title: SYSTEM AND METHOD FOR AN ONLINE SPEAKER PATCH-THROUGH

First Named Inventor: Lurie

The following has been received in the U.S.P.T.O. on the date stamped hereon:

Transmittal Letters & Certificate of Mailing

- X Transmittal Letter
- ☐ Fee Transmittal (original & copy)
- ☐ RCE (Request for Continued Examination)
- ☐ Transmittal of Formal Drawings
- ☐ Issue Fee Transmittal (original & copy)

X Certificate of Mailing

☐ Express Mail No.:

Missing Parts, Formal Papers

- ☐ Response to Notice of Missing Parts
- ☐ Assignment & Cover sheet (____ pgs.)
- ☐ Declaration & POA (____ pgs.)

Amendment / Response

X Amendment/Response (resubmission, 38 pgs.)

☐ Terminal Disclaimer

X Other: Copy of Notice of Non-Compliant Amendment mailed 06/04/2004 (4 pages)

Petitions & Appeals

- ☐ Petition for Extension of Time:
- ☐ Notice of Appeal
- ☐ Appeal Brief & two copies (____ pgs. each)
- ☐ Reply Brief (____ pgs.)

Other

☐ Information Disclosure Statement & PTO/SB/08 (____ pgs.) (previously 1449)

☐ Request to Publish (Rescind NonPublication)

☐ Drawings: ____ sheets, ____ figures

X Postcard

Checks

☐ Check No. _____ Amount \$ _____

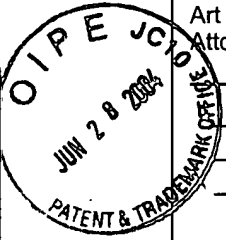
☐ Check No. _____ Amount \$ _____

AMENDMENT TRANSMITTAL**RECEIVED** ^{PATENT}

JUL 0 2 2004

Technology Center 2600

Application No.: 09/764,021
Filing Date: 01/16/2001
First Named Inventor: Lurie
Examiner's Name: Ming Chow
Art Unit: 2645
Attorney Docket No.: 4704.P012



An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

☐ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- ☐ Preliminary Amendment
- ☒ Amendment/Response resubmitted with respect to Notice of Non-Compliant Amendment
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☐ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ Other: Copy of Notice of Non-Compliant Amendment mailed 6/4/2004
- ☐ Other: _____
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: John P. Ward

SIGNATURE:

REG. NO.: 40,216DATE: 6/22/04ADDRESS: 12400 Wilshire Boulevard, Seventh FloorLos Angeles, California 90025TELEPHONE NO.: (408) 720-8300**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

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JPW

INGENIO

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/764.021

01/16/2001

Steven Lurie

04704.P012

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06/04/2004

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STATUS DB-LA

EXAMINER

CHOW, MING

ART UNIT

PAPER NUMBER

2645

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BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELES

Please find below and/or attached an Office communication concerning this application or proceeding.

Date 7/4/2004 Client: INGENIO, Inc.

Docket Initials [Signature] 4704.P012

Dock. Sup. Initials

Atty Initials JPW

Pat/Ser/Reg 764021

Description: 200a x

Response due, notice of non-compliant amendment

6/8/2004

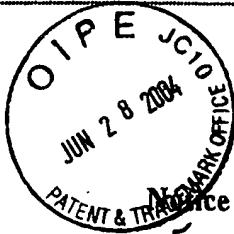
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 5/21/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

S. Canham
Legal Instruments Examiner (LIE)

Telephone No. 703-305-_____

09/764021
Serial Number

- ___ Canceled claims cannot show text of claim.
- ___ "Amended" is not a proper status identifier.
- ___ Amendments to the Specifications should begin on a separate page.
- ___ Amendment to the Claims should begin on a separate page.
- ___ "Remarks" should begin on a separate sheet.
- ___ The "Cover Sheet", amendments to the "Specifications", amendments to the "Claims", and "Remarks" should each begin on a separate sheet.
- ___ Only "Currently Amended" and "Withdrawn" claims can show markings.
- ___ Drawings should each have "Replacement Sheet(s)" or "Annotated Sheet(s)" as a heading.
- ___ "Previously Added" is not a proper status identifier.
- ___ "Previously Amended" is not a proper status identifier.
- ___ A Clean copy and A Marked Up copy of the Claims is a Non-Compliant amendment Format.
- ___ "Re-Presented" is an improper status identifier.
- ___ "Claims _____ have been cancelled" is an improper status identifier.
- ___ "Currently Amended claims must show markings.

___ A Clean copy and a Marked Up copy of Substitute Specification is needed.

___ Amendments to the Specifications must be by marked-up replacement paragraphs or sections only; (no clean or replacement paragraph or section is required; No replacements sheets permitted.

___ All the Claims are not present. The Amendment stops with claim 4, maybe some pages are missing